



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,404	12/20/2005	Jens Glufke	2002P13946WOUS	8532

29177 7590 02/07/2008  
BELL, BOYD & LLOYD, LLP  
P.O. BOX 1135  
CHICAGO, IL 60690

EXAMINER
----------

PARK, JEONG S

ART UNIT	PAPER NUMBER
----------	--------------

2154

MAIL DATE	DELIVERY MODE
-----------	---------------

02/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

mn

<b>Office Action Summary</b>	<b>Application No.</b> 10/529,404	<b>Applicant(s)</b> GLUFKE ET AL.	
	<b>Examiner</b> Jeong S. Park	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to communications filed November 21, 2007.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11-18 and 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al. (hereinafter Barker)(U.S. Patent No. 6,363,421 B2) in view of Doolan (U.S. Patent No. 5,764,955).

Regarding claims 11 and 20, Barker teaches as follows:

a method or a device for producing and updating a management system (element management system client 28, network element 14, element management system server 32 in figure 1A) of a telecommunication network (PSTN 33 in figure 1A) element (a method of managing a plurality of network elements of a telecommunications network, see, e.g., col. 3, lines 45-53 and figure 1A), comprising:

creating a network element agent (managed elements 14 in figure 4) and a network element manager (element management system server 32 in figure 4) by a shared generating mechanism (SNMP) directly from a shared management interface specification of the shared generating mechanism (communications between the element management system and the managed elements is via SNMP, see, e.g., col. 4,

lines 43-45 and figure 4);

updating the management system by storing the created network element agent and network element manager (adding new managed objects which are all resources and elements managed in the system, see, e.g., col. 15, lines 34-39);

exchanging a message between the network element (SNMP agent in managed network element 14 in figure 4) and the network element manager (element management system server 32 in figure 4) for controlling the network element by the network element manager (the agent communicates with the element management system server using the Internet standard Simple Network Management Protocol (SNMP), see, e.g., col. 32, lines 45-56); and

ensuring that the network element supports the message in accordance with the management interface specification (SNMP) by the network element agent (AP MIB is the data definition shared between the SNMP manger on the element management system server and the SNMP agent resides on the AP, 80 in figure 3, see, e.g., col. 35, lines 23-26), the network element agent (SNMP agent) stored in a network element management unit (interpreted as element management system) of the network element (SNMP mediator, 160 in figure 4, translates between the network element (SNMP) and the element management system server (EMAPI), see, e.g., col. 19, lines 24-30).

Doolan teaches as follows:

a gateway that allows a network manager, on a telecommunications network, to manage telecommunication network legacy elements (equivalent to applicant's network

element) using a Common Management Information Protocol (CMIP, equivalent to applicant's shared generating mechanism)(see, e.g., col. 1, lines 16-21);

CMIP is a standard protocol that enables a managing process to communicate with a network resource (equivalent to applicant's network element) without knowing the specific architecture and implementation of the network resource (see, e.g., col. 6, lines 44-50);

system management is a distributed application that permits managing process to monitor and control resources within a managed system through an agent process (equivalent to applicant's network element agent)(see, e.g., col. 6, line 61 to col. 7, line 6);

CMIP defines a number of management services which enable a managing process to invoke management operations onto an agent process to manipulate managed objects and an agent process to invoke notifications onto a managing process (see, e.g., col. 9, lines 9-13);

SET command permits the agent process to modify one or more attributes in one or more managed objects (CMIP updates the network element via the network element agent, see, e.g., col. 9, lines 50-52); and

CREAT command permits the managing process to create a single managed object in the MIB, wherein the managed object is representation in the MIB of the management view of a real resource (equivalent to applicant's network element)(see, e.g., col. 9, lines 54-60).

Therefore, Doolan teaches that the managing process updates and creates the network element via the agent using CMIP (equivalent to applicant's shared generating mechanism)(see, e.g., col. 6, line 61 to col. 7, line 19 and figure 1).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Barker to include creating and updating the network element via the network element agent using the well-known CMIP as taught by Doolan in order to efficiently manage a plurality of network elements and agents.

Regarding claims 12 and 21, Barker teaches as follows:

the network element manager is stored in a storage unit of a computer (element management system client generates HTTP requests to the element management system server, the server gathers information and sends the results to the web browser for display on the client computer, see, e.g., col. 4, lines 18-26).

Regarding claims 13 and 22, Barker teaches as follows:

the network element manager is stored in the network element management unit (network element manager is stored in the element management system, see, e.g., col. 3, lines 46-53).

Regarding claims 14 and 23, Barker teaches as follows:

the network element manager is stored on a central storage unit (the element management system server hard disk) of the telecommunication network (HTTP web server, 58 in figure 3, retrieves and download HTML pages from the element management system server hard disk, see, e.g., col. 5, lines 26-32).

Regarding claims 15 and 24, Barker teaches as follows:

the network element manager is stored as a JAVA applet (JAVA applets, 44 in figure 2, see, e.g., col. 5, lines 11-23).

Regarding claims 16 and 25, Barker teaches as follows:

the network element manager is executed in a web browser (web browser, 45 in figure 2, see, e.g., col. 5, lines 5-9).

Regarding claims 17, 18, 26 and 27, Barker teaches as follows:

the network element manager is loaded from the network element into a computer (management computer same as element management system client 28 in figure 2) and the network element subsequently managed remotely from the network element by using the loaded manager (the network element manager collects network element information and loads to the management computer for viewing the results via communications network, see, e.g., abstract).

4. Claims 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al. (hereinafter Barker)(U.S. Patent No. 6,363,421 B2) and Doolan (U.S. Patent No. 5,764,955) as applied to claims 11 and 20 above, and further in view of Land et al. (hereinafter Land)(U.S. Patent No. 7,254,781 B1).

Regarding claims 19 and 28, Barker and Doolan teach all the limitations of claim except for forming the management interface specification in the HTML format.

Land teaches as follows:

HTTP and SNMP interface layer exchanges configuration settings in two different protocol formats (see, e.g., col. 7, lines 28-35 and figure 4).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Barker to include exchanging data within two different protocol formats as taught by Land in order to efficiently communicate within a plurality of different protocols in telecommunications network.

5. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al. (hereinafter Barker)(U.S. Patent No. 6,363,421 B2) in view of Land et al. (hereinafter Land)(U.S. Patent No. 7,254,781 B1).

Regarding claim 29, Barker teaches as follows:

a network element manager (element management system server 32 in figure 2) for controlling a telecommunication network element (communication between the element management system and the managed elements is via SNMP and SNMP sets are used for command and control, see, e.g., col. 4, lines 37-47), comprising:

a control message (SNMP message) exchanged between the network element and the network element manager (communication between the element management system and the managed elements is via SNMP, see, e.g., col. 4, lines 37-45);

a network element agent (SNMP agent in managed network element 14 in figure 4) operatively connected to the manager (element management system server 32 in figure 4)(the agent communicates with the element management system server using the Internet standard Simple Network Management Protocol (SNMP), see, e.g., col. 32, lines 45-56); and

HTTP Web server(58 in figure 3) processes HTTP requests from the element



management system client that retrieve and download HTML pages and Java applets from the element management system server hard disk (see, e.g., col. 5, lines 26-32).

Barker does not teach of forming the management interface specification in the HTML format.

Land teaches as follows:

HTTP and SNMP interface layer exchanges configuration settings in two different protocol formats (see, e.g., col. 7, lines 28-35 and figure 4).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Barker to include exchanging data within two different protocol formats as taught by Land in order to efficiently communicate within a plurality of different protocols in telecommunications network.

Regarding claims 30 and 31, Barker teaches as follows:

the network element manager is loaded from the network element into a computer (management computer same as element management system client 28 in figure 2) and the network element subsequently managed remotely from the network element by using the loaded manager (the network element manager collects network element information and loads to the management computer for viewing the results remotely via communications network, see, e.g., abstract).

### ***Response to Arguments***

6. Applicant's arguments filed 11/21/2007 with respect to claims 11-31 have been considered but are moot in view of the new ground(s) of rejection.

A. Summary of Applicant's Arguments

In the remarks, the applicant argues as followings:

1) regarding claims 11 and 20, Barker fails to disclose that the network element 14 and element management system client 28 are created using a shared generating mechanism directly from an interface specification of the shared generating mechanism, as required by the claimed invention as amended.

B. Response to Arguments:

In response to argument 1) the amended claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al. (U.S. Patent No. 6,363,421 B2) in view of Doolan (U.S. Patent No. 5,764,955).

Doolan teaches the amended claim limitations as follows:

a gateway that allows a network manager, on a telecommunications network, to manage telecommunication network legacy elements (equivalent to applicant's network element) using a Common Management Information Protocol (CMIP, equivalent to applicant's shared generating mechanism)(see, e.g., col. 1, lines 16-21);

CMIP is a standard protocol that enables a managing process to communicate with a network resource (equivalent to applicant's network element) without knowing the specific architecture and implementation of the network resource (see, e.g., col. 6, lines 44-50);

system management is a distributed application that permits managing process to monitor and control resources within a managed system through an agent process (equivalent to applicant's network element agent)(see, e.g., col. 6, line 61 to col. 7, line 6);

CMIP defines a number of management services which enable a managing process to invoke management operations onto an agent process to manipulate managed objects and an agent process to invoke notifications onto a managing process (see, e.g., col. 9, lines 9-13);

SET command permits the agent process to modify one or more attributes in one or more managed objects (CMIP updates the network element via the network element agent, see, e.g., col. 9, lines 50-52); and

CREAT command permits the managing process to create a single managed object in the MIB, wherein the managed object is representation in the MIB of the management view of a real resource (equivalent to applicant's network element)(see, e.g., col. 9, lines 54-60).

Therefore, Doolan teaches that the managing process updates and creates the network element via the agent using CMIP (equivalent to applicant's shared generating mechanism)(see, e.g., col. 6, line 61 to col. 7, line 19 and figure 1).

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeong S. Park whose telephone number is 571-270-1597. The examiner can normally be reached on Monday through Friday 7:00 - 3:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number:  
10/529,404  
Art Unit: 2154

Page 12

JP

January 31, 2008



NATHAN FLYNN  
SUPERVISORY PATENT EXAMINER